



Crl.O.P.No.5706 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.56 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Rajini, is that, due to previous enmity with regard to bricklaying business, while so on 22.02.2023, the defacto complainant's sister sons who are petitioners herein picked up quarrel with him and his wife and attacked him with stone and also caused injuries to him and also threatened with dire consequences Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and due to previous enmity, the petitioners have been falsely implicated in this case. Hence, he seeks for anticipatory bail.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that due to previous enmity, the petitioners attacked the defacto complainant with stone by causing injuries and also threatened him with dire consequences. He would further submit that the second petitioner has been arrested and remanded to judicial custody. Thereby, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration of the fact that A2 has been arrested and remanded to judicial custody, the petition in respect of A2 is dismissed as infructuous. As far as the first petitioner is concerned, this Court is inclined to grant anticipatory bail with certain conditions.

6.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Kumarapalayam, Namakkal District, on condition that the first petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each



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for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the first petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the first petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner released on



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bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

14.03.2023

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